

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 15 – 16, and 18 – 40 are currently pending in this application. Claim 17 has been canceled without prejudice. Claims 15, 18 – 25, and 27 – 31 have been amended. Applicants submit that no new matter has been introduced into the application by these amendments.

Telephonic Interview

The Examiner is thanked for granting a telephonic interview with the Applicants' representative on January 22, 2009. During the interview, the Objections to the Specification, discussed in detail below, were discussed. The undersigned wishes to thank the Examiner for the courtesies extended during the telephone interview.

Objections to the Specification

The Examiner objected to the specification for introducing new matter into the disclosure. As discussed in the interview, the present application is a § 371 National Phase of International Application Number PCT/EP03/08842. The substitute specification as shown by the marked-up version of the substitute specification filed on May 22, 2008 was filed in order to re-incorporate the subject

matter of the original International Application that was removed by the Article 34 Amendment and Replacement Pages from the PCT proceedings which were incorporated into the present application upon entry into the U.S. National Phase.

Pursuant to 35 USC § 363:

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title.

Accordingly, the withdrawal of the objection to the specification and entry of the Substitute Specification filed on May 22, 2008, is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 15-40 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,534,514 to Aghnides et al.

Claim 15 is directed to a sanitary outflow armature. The armature includes a liquid guide that opens into a fitting outlet, in an area of which a plumbing functional unit in the form of an insertion cartridge is provided. An inner diameter of the liquid guide is adapted to the insertion cartridge at least in an opening area of the fitting outlet. The insertion cartridge is inserted into the fitting outlet from an opening side and is held removably therein by a sleeve-shaped intermediate

holder. At least a predominant portion of a longitudinal extension of the insertion cartridge is received within the fitting outlet.

Aghnides fails to show or suggest a sleeve-shaped intermediate holder (6) as claimed. In Aghnides, the cartridge housing itself has external threads that mate with inner threads of the outflow armature. As a result of having the threads on the cartridge sleeve, different insertion cartridges are required for different outflow armatures to accommodate for the various manufacturers. Such an arrangement leads to higher expenses as a result of having to manufacture so many different cartridges.

The insertion cartridge as currently claimed provides a sleeve-shaped intermediate holder that holds the insertion cartridge into the fitting outlet. Since the cartridge is held by the sleeve-shaped intermediate holder, the intermediate holder effectively acts as an adapter to allow any suitable cartridge to be used. This allows for bulk purchasing of cartridges that can be used in different situations, thereby reducing costs.

Claims 16 and 18 - 40 are dependent upon claim 15, which the Applicants believe is allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the § 102 rejection of claims 15 – 16 and 18 - 40 is respectfully requested.

Applicant: Weis et al.
Application No.:10/529,968

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 15 – 16 and 18 - 40, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Weis et al.

By /Robert J. Ballarini/
Robert J. Ballarini
Registration No. 48,684

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

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Enclosure